

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 ONY-00 SS-15 /028 W
-----075856 241540Z /45
R 241032Z JUN 77
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 2263

C O N F I D E N T I A L SECTION 1 OF 2 VIENNA 5091

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E.O. 11652: GDS
TAGS: SHUM, AU
SUBJECT: HUMAN RIGHTS: COUNTRY ACTION PLAN FOR AUSTRIA

REF: STATE 141671

1. PARAGRAPH TWO BELOW INCORPORATES EMBASSY'S SUGGESTED CHANGES TO DRAFT COUNTRY ACTION PLAN TRANSMITTED REFTEL. MOST OF SUGGESTED CHANGES DEAL WITH HISTORY, SUBSTANCE, AND LIKELY NEAR-TERM TREND OF SLOVENE MINORITY CONTROVERSY.

2. BEGIN TEXT: A. CONDITION OF HUMAN RIGHTS IN AUSTRIA

(1) AUSTRIA, A NEUTRAL AND WESTERN-ORIENTED COUNTRY, ATTACHES VITAL IMPORTANCE TO HUMAN RIGHTS. IT IS A PARLIAMENTARY, CONSTITUTIONAL DEMOCRACY. LEGISLATIVE POWER IS VESTED IN A BICAMERAL LEGISLATURE ELECTED BY UNIVERSAL SUFFRANGE; THE EXECUTIVE IS CHOSEN BY AND RESPONSIBLE TO THE PARLIAMENT, AND THE JUDICIARY IS INDEPENDENT. THE AUSTRIAN CONSTITUTION AND THE AUSTRIAN STATE TREATY OF 1955 DEFINE AND GURANTEE BASIC HUMAN RIGHTS CONCERNING THE INTEGRITY OF THE PERSON AND CIVIL AND POLITICAL LIBERTIES. AUSTRIA'S RECORD SINCE REGRAINING SOVEREIGNTY IN 1955 HAS BEEN EXEMPLARY. THERE IS NO EVIDENCE OF TORTURE, CRUEL, INHUMAN OR DEGRADING PUNISHMENT, ARBITRARY ARREST
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OR IMPRISONMENT, DENIAL OF FAIR PUBLIC TRAIL, OR
INVASION OF THE HOME.

(2) THERE ARE NO RESTRICTIONS ON POLITICAL OR
RELIGIOUS EXPRESSION OR ASSOCIATION EXCEPT THOSE PLACED
ON GROUPS CONSIDERED A POTENTIAL THREAT TO THE REPUBLIC.
THERE IS COMPLETE FREEDOM OF MOVEMENT WITHIN AND FROM

THE COUNTRY.

(3) THE AUSTRIAN STATE TREATY (ARTICLE 7)
STATES THAT SLOVENE AND CROATIAN MINORITIES SHALL ENJOY
THE SAME RIGHTS ON EQUAL TERMS AS ALL OTHER AUSTRIAN
NATIONALS AND INTER ALIA GRANTS TO THEM THE RIGHT TO
EDUCATIONAL INSTRUCTION IN THEIR OWN LANGUAGES AT THE
ELEMENTARY SCHOOL LEVEL AND TO A PROPORTIONATE NUMBER
OF SECONDARY SCHOOLS. IN AREAS OF MIXED POPULATION, ARTICLE
7 ALSO PROVIDES FOR THE USE OF THEIR OWN LANGUAGE BEFORE
THE COURTS AND ADMINISTRATIVE BODIES AND FOR THE ERECTION
OF BILINGUAL ROAD SIGNS. INTERPRETATION AND IMPLEMENTATION
OF THESE RIGHTS HAS BEEN A SUBJECT OF CONTROVERSY FOR MANY
YEARS BETWEEN THE FEDERAL, PROVINCIAL, AND LOCAL GOVERNMENTAL
BODIES IN THE AREAS IN QUESTION ON THE ONE SIDE, AND
SLOVENIAN AND CROATIAN MINORITY GROUPS AND THE GOVERNMENT
OF YUGOSLAVIA ON THE OTHER. THE AUSTRIAN GOVERNMENT HAS
RECENTLY ENACTED AND STARTED TO IMPLEMENT LEGISLATION WHICH
IT HOPES WILL FULFILL AUSTRIA'S OBLIGATIONS UNDER THE STATE
TREATY. LEADERSHIP ELEMENTS OF THE ETHNIC GROUPS CONCERNED
CONTINUE HOWEVER TO OPPOSE THE PROJECTED MEASURES AS BEING
INADEQUATE AND NOT IN ACCORD WITH THEIR INTERPRETATION
OF ARTICLE 7.

(4) AUSTRIA HAS A HIGHLY DEVELOPED SOCIAL WELFARE SYSTEM,
AND THE DISTRIBUTION OF WEALTH IS MORE EQUITABLE THAN IN
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MOST COUNTRIES. GOVERNMENT, LABOR, AND MANAGEMENT COOPERATE
WELL IN A SO-CALLED "SOCIAL PARTNERSHIP" WHICH HAS BEEN
EFFECTIVE IN AVOIDING SERIOUS LABOR-MANAGEMENT DISPUTES.
AUSTRIA'S SOCIALIST GOVERNMENT PLACES HEAVY EMPHASIS ON
MAINTAINING AND IMPROVING HEALTH, EDUCATION AND SOCIAL
SERVICES. THERE IS RELATIVELY LITTLE CORRUPTION IN THE AUSTRIAN
CIVIL SERVICE.

(5) THE AUSTRIAN GOVERNMENT, LED BY CHANCELLOR KREISKY,
FIRMLY SUPPORTS THE PROTECTION OF HUMAN RIGHTS WITHIN
AUSTRIA AND OUTSPOKENLY ADVOCATES PROMOTION OF HUMAN RIGHTS
THROUGHOUT THE WORLD. AUSTRIA IS WELL KNOWN FOR ITS ASSISTANCE
TO REFUGEES FROM OTHER COUNTRIES, MANY OF WHOM HAVE SETTLED
IN AUSTRIA, AND FOR ITS IMPORTANT ROLE IN FACILITATING
TRANSIT OF JEWISH EMIGRANTS FROM THE SOVIET UNION.

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ACTION EUR-12

INFO OCT-01 ISO-00 ONY-00 SS-15 /028 W
-----076058 241539Z /45

R 241032Z JUN 77
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 2264

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(6) THERE HAS BEEN NO NEED DURING THE POSTWAR
PERIOD OF R ANH OUTSIDE INVESTIGATIONS OF AUSTRIA'S
HUMAN RIGHT RECORD.

B. ANALYSIS AND RECOMMENDATIONS

(1) THERE IS NO NEED FOR U.S. INITIATIVES DESIGNED
TO IMPROVE CONDITIONS IN AUSTRIA. GIVEN THE BASICALLY
EXEMPLARY AUSTRIAN RECORD, SUCH INITIATIVES WOULD BE
MISUNDERSTOOD AND RESENTED BY AUSTRIAN OFFICIALS. THE
UNITED STATES, AS A SIGNATORY TO THE AUSTRIAN STATE
TREATY, FOLLOWS CLOSELY EFFORTS TO RESOLVE THE
CONTROVERSY CONCERNING THE RIGHTS OF THE SLOVENIAN
MINORITY IN AUSTRIA, AND THE AUSTRIAN GOVERNMENT IS
FULLY AWARE OF THE U.S. INTEREST IN SEEING A
SATISFACORY RESOLUTION OF THAT PROBLEM. RECENT

LEGISLATION CONCERNING BILINGUAL ROAD SIGNS, ETC. WHICH
AUSTRIA IS IN THE PROCESS OF IMPLEMENTING, IS THE RESULT
OF DIFFICULT AND PROTRACTED NEGOTIATIONS AMONG THE
THREE POLITICAL PARTIES IN PARLIAMENT AND THE GOVERNMENT

OF AUSTRIA, BUT WITHOUT THE PARTICIPATION OF THE SLOVENE
MINORITY LEADERSHIP IN THE FINAL PHASES. THE SLOVENE
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MINORITY GROUP (WHICH ACCORDING TO AUSTRIAN GOVERNMENT
ESTIMATES NUMBERS ROUGHLY 20,000 A FIGURE
WHICH WE FEEL MAY BE ON THE LOW SIDE) IS OPPOSED TO
THIS LEGISLATION, IT ARGUES THAT ARRANGEMENTS REGARDING
BILINGUAL ROAD SIGNS, ETC. SHOULD BE BASED AT LEAST ON
THE ESTIMATED POPULATION FIGURES USED IN CONNECTIONS

WITH THE ABORTIVE 1972 ATTEMPT TO ERECT BILINGUAL ROAD SIGNS RATHER THAN THE DISPUTED 1976 SLOVENIAN POPULATION FIGURES BASED ON A PROJECTION OF THE RESULTS OF THE NOVEMBER 1976 LANGUAGE HEAD COUNT WHICH WAS BOYCOTTED BY MOST SLOVENIAN-SPEAKING AUSTRIANS. IT IS NOT ADVISABLE AT THIS JUNCTURE FOR THE U.S. TO TAKE A POSITION ON THE CONTROVERSY-WHICH ALSO PITS YUGOSLAVIA AGAINST AUSTRIA-OR TO ATTEMPT TO IMPOSE A SOLUTION. HOWEVER, IF THE AUSTRIAN GOVERNMENT'S EFFORTS TO RESOLVE THE PROBLEM DO NOT SHOW EVIDENCE OF SIGNIFICANT PROGRESS OVER THE COURSE OF THE NEXT YEAR, WE WILL HAVE TO CONSIDER WHETHER OR NOT TO ENCOURAGE AUSTRIA TO ATTEMPT A SOLUTION MORE GENEROUS TO THE SLOVENE MONORITY. WE DO NOT CONSIDER IT LIKELY THAT YUGOSLAVIA OR AUSTRIA WILL INVOKE ARTICLE 35 OF THE AUSTRIAN STATE TREATY CALLING FOR FOUR POWER (US, UK, FRANCE AND USSR) CONSULTATIONS ON THIS PROBLEM. YUGOSLAVIA MAY, HOWEVER, RAISE THE ISSUE IN VARIOUS INTERNATIONAL FORA IN AN EFFORT TO MOVE THE AUSTRIAN GOVERNMENT TO ADOPT A MORE ACCOMMODATING STANCE ON THE MATTER.

(2) THE AUSTRIAN GOVERNMENT AND PEOPLE HAVE WELCOMED AND STRONGLY SUPPORTED THE CARGER ADMINISTRATION'S COMMITMENT TO HUMAN RIGHTS. CHANCELLOR KREISKY IS A LEADING ADVOCATE OF HUMAN RIGHTS, AN OUTSPOKEN CRITIC OF HUMAN RIGHTS VIOLATIONS, AND CHAMPIONS THE CAUSE OF

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EASTERN EUROPEAN DISSIDENTS. HE IS ALSO, HOWEVER, A

FIRM BELIEVER IN THE ADVANTAGES FOR SMALL, NEUTRAL AUSTRIA OF "QUIET DIPLOMACY" AND HAS USED THIS APPROACH IN FACILITATING EMIGRATION OF EASTERN EUROPEANS TO AUSTRIA AND THE WEST.

(3) AUSTRIA CAN BE EXPECTED TO CONTINUE ITS POLICY IN SUPPORT OF HUMAN RIGHTS AND ITS EFFORTS TO IMPROVE THE RIGHTS OF MINORITIES IN AUSTRIA IN ACCORD WITH ITS INTERPRETATION OF ITS RESPONSIBILITIES UNDER THE 1955 STATE TREATY.

(4) AUSTRIA WILL BE SUPPORTIVE OF THE U.S. OBJECTIVE TO PROMOTE HUMAN RIGHTS THROUGH INTERNATIONAL ORGANIZATIONS, BUT IT WILL WISH TO BE CONSULTED

ON SPECIFIC ACTIONS CONTEMPLATED.

(5) AUSTRIA ATTACHES GREAT IMPORTANCE TO CSCE BASKET III DISCUSSIONS ON HUMAN RIGHTS, BUT IT

BELIEVEDS BASKET I AND ESPECIALLY BASKET II SHOULD ALSO
RECEIVE SERIOUS ATTENTION AT BELGRADE. END TEXT. MEEHAN

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS
Control Number: n/a
Copy: SINGLE
Sent Date: 24-Jun-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977VIENNA05091
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770226-0998
Format: TEL
From: VIENNA
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770619/aaaaaqjq.tel
Line Count: 226
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e1db7e76-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: ONLY
Reference: 77 STATE 141671
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 24-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2033176
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS: COUNTRY ACTION PLAN FOR AUSTRIA
TAGS: SHUM, AU
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/e1db7e76-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009